REMARKS

This is in full and timely response to the Office Action mailed on April 1, 2008.

Claims 13 and 20-38 are present in the above-identified application, with claims 13 and 20 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Entry of amendment

This amendment *prima facie* places the case in condition for allowance. Alternatively, it places this case in better condition for appeal. Accordingly, entry of this amendment is respectfully requested.

Prematureness

Applicant, seeking review of the *prematureness* of the final rejection within the Final Office Action, respectfully requests reconsideration of the finality of the Final Office Action for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a *new non-final Office Action* is respectfully requested.

Rejection under 35 U.S.C. §103

Paragraph 2 of the Office Action indicates a rejection of claims 1-11 and 14-19 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,411,344 (Fujii) in view of U.S. Patent No. 6,025,958 (Yamaoka).

This rejection is traversed at least for the following reasons.

Claims 1-11 and 14-19 - While not conceding the propriety of this rejection and in order to advance the prosecution of the present application, claims 1-11 and 14-19 have been canceled.

Withdrawal of this rejection is respectfully requested.

Paragraph 13 of the Office Action indicates a rejection of claims 12 and 13 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2006/0013967 (Mikoshiba) in view of U.S. Patent No. 6,411,344 (Fujii) in view of U.S. Patent No. 6,025,958 (Yamaoka).

This rejection is traversed at least for the following reasons.

Claim 12 - Claim 12 has been placed into independent form. Accordingly, *no "further search and/or consideration" of amended claim 12* is believed to be required.

The Office Action relies upon Mikoshiba in the rejection of the claims (Office Action at page 7).

In response, "it is impermissible, however, simply to engage in a *hindsight reconstruction* of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps" (citations omitted). *In re Gorman* , 18 USPQ2d 1885,

1888 (Fed. Cir. 1991). See also *In re Dembiczak*, 50 USPQ2d 1614, 1616 (Fed. Cir. 1999) (rejection based upon hindsight is reversed).

Here, present application is U.S. Patent Application No. **10/533,651**. Moreover, Mikoshiba is the ***publication document*** for U.S. Patent Application No. **10/533,651**.

In this regard, Mikoshiba and the present application are one in the same.

Thus, Mikoshiba is ***unavailable*** as prior art.

Claim 13 - While not conceding the propriety of this rejection and in order to advance the prosecution of the present application, claim 13 has been canceled.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Newly added claims

Claims 20-38 - Claims 21-38 are dependent upon claim 20. Claim 20 is drawn to a transparent conductive laminate comprising:

> a first polymer film between a light-scattering layer and a transparent conductive layer,
>
> wherein said light-scattering layer is in contact with said first polymer film, said light-scattering layer being between said first polymer film and a polarizing plate,
>
> wherein a photoelastic constant of said first polymer film is no greater than $70 \times 10^{-12} Pa^{-1}$,
>
> wherein a haze value of said light-scattering layer is 0.2 - 1.4%.

Fujii and Yamaoka, either individually or as a whole, fail to disclose, teach, or suggest a transparent conductive laminate wherein a light-scattering layer is in contact with a polymer film, the light-scattering layer being between the polymer film and a polarizing plate.

In addition, Mikoshiba is ***unavailable*** as prior art.

Allowance of the claims is respectfully requested.

Official Notice

There is no concession as to the veracity of Official Notice, if taken in any Office Action.

An affidavit or document should be provided in support of any Official Notice taken. 37 CFR 1.104(d)(2), MPEP § 2144.03. See also, *Ex parte Natale*, 11 USPQ2d 1222, 1227-1228 (Bd. Pat. App. & Int. 1989)(failure to provide any objective evidence to support the challenged use of Official Notice constitutes clear and reversible error).

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

Fees

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Conclusion

This response is believed to be a complete response to the Office Action. Applicants reserve the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers.

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

Dated: August 1, 2008   Respectfully submitted,

                                                By
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